

THE SCOTT FIRM, P.C.  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
EDMUND BRYAN,

Plaintiff,

against

ECF CASE  
07cv7300 (SHS)

MEMORIAL SLOAN-KETTERING CANCER CENTER,

Defendants.  
-----X

**PLAINTIFF'S STATEMENT OF FACTS IN RESPONSE TO DEFENDANT  
MSKCC'S RULE 56.1 STATEMENT**

1. Plaintiff neither admits nor denies for lack of knowledge.
2. Plaintiff neither admits nor denies for lack of knowledge.
3. Denies, to the extent that Defendant's EEO Policy is not uniformly enforced and is subject the vagaries of individual supervisors and retaliation does occur against employees who file complaints.
4. Admit.
5. Denies to the extent that posting of policies has only occurred within the past few months and was non-existent for years. (Bryant Declaration at Paragraph 24)
6. Plaintiff neither admits nor denies for lack of knowledge.
7. Admit.
8. Admit regarding the recitation of the court ruling and dispute regarding the court ruling.
9. Admit.
10. Admit.
11. Admit.
12. Admit.

13. Denied, Plaintiff was given a right to sue letter based upon complaint to EEOC.
14. Admit.
15. Admit.
16. Admit.
17. Admit.
18. Admit.
19. Deny, supervisors provide input for promotions and ability to cite employees for infractions impacts their ability to qualify for promotions. (Fogle Affidavit at Paragraph 6)
20. Admit.
21. Deny, Plaintiff trained co-workers and has worked holidays and weekends for co-workers for many years. (Bryant Declaration at Paragraph 21) (Fogle Affidavit at Paragraph 8)
22. Deny.
23. Denied to the extent that it posits a second hand opinion as fact.
24. Denied to the extent that Plaintiff has not created an uncomfortable work environment. (Fogle Affidavit at Paragraph 2)
25. Admit.
26. Denied to the extent that no one on any shift had knowledge of the job. (Bryant Declaration at Paragraph 25)
27. Denied to the extent that job was not posted in an effective manner.
28. Admit.
29. Plaintiff neither admits nor denies for lack of knowledge.
30. Admit.
31. Denied to the extent that job was not posted in an effective manner. (Bryant Declaration at Paragraph 26)
32. Plaintiff neither admits nor denies for lack of knowledge.
33. Admit.
34. Admit.
35. Plaintiff neither admits nor denies for lack of knowledge.
36. Admit.
37. Plaintiff neither admits nor denies for lack of knowledge.
38. Denied.
39. Denied.
40. Admit.
41. Plaintiff neither admits nor denies for lack of knowledge.
42. Denied. (Bryant Declaration at Paragraphs 5, 6 and 7)
43. Admit.
44. Denied, Plaintiff was retaliated against after making initial complaints. (Bryant Declaration at Paragraph 27)
45. Plaintiff neither admits nor denies for lack of knowledge.
46. Admit.
47. Denied to the extent that Rupert Gillette has told MSKCC employees that Plaintiff engages in homosexual horseplay. (Fogle affidavit at Paragraph 5)
48. Denied to the extent that these are new incidents of inappropriate comments.
49. Admit.

50. Admit.

51. Denied.

Dated: Brooklyn, New York  
June 17, 2007

Respectfully submitted,

By: \_\_\_\_\_/S/\_\_\_\_\_  
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